

REMARKS

The present amendment is submitted in response to the Office Action dated April 11, 2003, which set a three-month period for response, making this amendment due by July 11, 2003.

Claims 9, 12-14, 16, and 17 are pending in this application.

In the Office Action, claims 9, 12-14, 16, and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art of Figure 1 (APA) in view of U.S. Patent No. 5,309,780 to Schmitt and further in view of Japanese Patent 01148640 to Kihara. The Examiner noted that claim 12 was rejected based on the subcombination of the mount only.

In this amendment, the Applicants have amended claim 9 to add a portion of the features of claim 12, namely, that the "deflecting linkage is operative for producing a deflection of a rotary motion of said rotary spindle approximately at a right angle so that rotation of said rotary spindle takes place approximately perpendicular to the emission direction". Claim 12 has been canceled.

Neither the AAPA, Schmitt nor Kihara discloses or suggests that a deflecting linkage produces a deflection of a rotary motion of the spindle at a right angle and that the rotary spindle rotates approximately perpendicular to the emission direction. Thus, even if the references were combined, as proposed in the Office Action, the practitioner would not be lead to the present invention.

As the Examiner states in the Office Action on page 2, the AAPA does not disclose that the adjusting screws include a deflecting linkage.

In Schmitt, column 5, lines 8-10 and lines 58-61, it is disclosed only that when the adjusting shaft 30 is rotated in the direction of arrow 34, the threaded surface 58 engages the threaded aperture 56 to drive or displace the shaft 30 through the passage 46 along the central axis 48. Schmitt is silent, however, as to the features of amended claim 9, namely, the deflection of the rotary motion of the spindle by the deflecting linkage, such that the rotary spindle rotates approximately perpendicular to the emission direction. No such feature is suggested by this reference, either.

Likewise, the Kihara reference provides the practitioner with no hint of this feature.

Therefore, if the references were combined as suggested, the practitioner would not be lead to the present invention as defined in amended claim 9. The Applicants therefore respectfully submit that claim 9, along with claims 13, 14, 16, and 17 are patentable over the cited reference combination. The Applicants further request withdrawal of the rejection under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', written over the typed name.

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